

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (DAYTON)

PLAYTEX PRODUCTS, INC.,	:	CASE NO. C-1-02-391
Plaintiff,	:	(Judge Thomas M. Rose)
v.	:	
THE PROCTER & GAMBLE	:	AFFIDAVIT OF DONALD E.
DISTRIBUTING COMPANY, <u>et al.</u> ,	:	BURTON IN SUPPORT OF
Defendants.	:	DEFENDANTS' SUPPLEMENTAL
	:	MEMORANDUM ON PLAINTIFF'S
	:	RECENT DISCLOSURE RELEVANT
	:	TO DEFENDANTS' MOTION TO
	:	DISMISS WITHOUT PREJUDICE
	:	DEFENDANTS' SECOND
	:	COUNTERCLAIM AND PLAINTIFF'S
	:	COUNTER-COUNTERCLAIMS
	:	REGARDING THE CAMPION
	:	PATENTS

STATE OF OHIO)
)SS:
COUNTY OF MONTGOMERY)

Donald E. Burton, being first duly sworn upon oath, deposes and says:

1. I am a member of the Bar of this Court and am one of the counsel for Defendants-Counterclaim Plaintiffs The Procter & Gamble Company and The Procter & Gamble Distributing Company (collectively "P&G") in this case. I am making this affidavit based on personal knowledge, and I am competent to testify to the matters stated below.

2. I have attached to this affidavit an accurate copy of a press release entitled "Playtex Products, Inc. Reports Third Quarter 2003 Results; Announces New Product Tampon

Launch", issued by Defendant Playtex Products, Inc. ("Playtex"). This copy was downloaded from Playtex's website (www.playtexproducts.com) in PDF format on November 12, 2003.

s/Donald E. Burton
Donald E. Burton

Sworn to before me and subscribed in my presence by the said Donald E. Burton,
this 18th day of November, 2003.

Notary Public

129776.1